

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

**OSCAR ORONA IANF of N.O., a minor,
et al.,**

Plaintiffs,

v.

CHRISTOPHER KINDELL, et al.,

Defendants.

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Civil Action No. 2:24-CV-00049-AM

**TEXAS DEPARTMENT OF PUBLIC SAFETY DEFENDANTS'
UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendants Richard Bogdanski, Joel Betancourt, Christopher Kindell, Crimson Elizondo, Victor Escalon, and Juan Maldonado, current and former employees of the Texas Department of Public Safety (“DPS Defendants”), file this motion for extension of time to file an omnibus responsive pleading to Plaintiffs’ Amended Complaint [DE 4]. In support, Defendants offer the following:

I. STATEMENT OF THE CASE

Plaintiffs originally filed this lawsuit in the Western District of Texas, Del Rio Division, on May 23, 2024. ECF No. 1. Plaintiffs filed their first amended complaint on May 24, 2024. ECF No. 4. On May 24, 2023, Plaintiffs requested issuance of summons to Defendants. ECF Nos. 3, 5. The DPS Defendants were served on dates ranging from May 31, 2024, to June 6, 2024. DPS Defendants seek an extension to file one omnibus responsive pleading to Plaintiffs’ Amended Complaint by July 3, 2024. No other DPS Defendants have been served as of the filing of this motion.

II. MOTION FOR EXTENSION

The current DPS Defendants request additional time, to July 3, to respond to Plaintiffs’ First Amended Complaint. Undersigned counsel needs extra time due to the complexity and length of the

Amended Complaint to properly brief and address all claims raised by Plaintiffs, and to accommodate the existing demand the docket and deadlines under which undersigned counsel is currently operating, to include deadlines in several other federal cases premised on the same facts that were filed contemporaneously with this one. Further, by aligning the responsive pleading deadline for DPS Defendants, the Court will avoid duplicative pleadings, streamline proceedings, and conserve judicial resources.

DPS Defendants do not seek this extension for purposes of delay, but so that justice may be done, and the responsive pleading presented addresses all claims. As several parties have yet to be served, this brief extension will not prejudice Plaintiffs or delay the case. Plaintiffs' counsel has indicated he is unopposed to this extension.

III. CONCLUSION

Defendants Richard Bogdanski, Joel Betancourt, Christopher Kindell, Crimson Elizondo, Victor Escalon, and Juan Maldonado request to have until July 3 to respond to Plaintiffs' Amended Complaint.

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

JAMES LLOYD

Deputy Attorney General for Civil Litigation

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/s/ Briana M. Webb

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CERTIFICATE OF SERVICE

I, **BRIANA M. WEBB**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served to all attorneys of record by the Electronic Case Filing System of the Western District of Texas on June 21, 2024.

/s/ Briana M. Webb

BRIANA M. WEBB

Assistant Attorney General

CERTIFICATE OF CONFERENCE

I, **BRIANA M. WEBB**, Assistant Attorney General of Texas, do hereby certify that on June 17, 2024, I conferred with Plaintiffs' counsel, Robert Wilson, who stated he is unopposed to the request.

/s/ Briana M. Webb

BRIANA M. WEBB

Assistant Attorney General